

Application No.: 10/699,747
Filing Date: November 3, 2003

REMARKS

The following remarks are responsive to the Office Action. Claims 1-14 were pending in this application. Claims 11-14 were previously withdrawn pursuant to a restriction requirement. No claim amendments are made herein. Accordingly, Claims 1-14 are presented for further consideration.

Claim Rejections under 35 U.S.C. §102

The Examiner rejects Claims 1-5, 9 and 10 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,695,853 to Karasiuk (“Karasiuk”). As indicated to the Examiner during a telephone conversation shortly after the Office Action was mailed, the subject application is a continuation of U.S. Patent No. 6,641,591, which claims priority to U.S. Provisional Application No. 60/150,782. Because the filing dates of the earliest priority applications, i.e., U.S. Patent No. 6,641,591 and U.S. Provisional Application No. 60/150,782, precede the filing date of Karasiuk, Karasiuk is not prior art to the subject application. Thus, Karasiuk was improperly used to form the anticipation rejection described in the Office Action. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Claim Rejections under 35 U.S.C. §103

The Examiner rejects Claims 6-8 under 35 U.S.C. §103(a) as being unpatentable over Karasiuk. As discussed above with respect to the 35 U.S.C. §102 rejection, Applicant submits that Karasiuk is not prior art to the present application. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Related Applications

Applicant draws the Examiner’s attention to four U.S. non-provisional patent applications that are in the same patent family as the present application. One of these applications, Application No. 09/648,025 (filed August 25, 2000), has issued as U.S. Patent No. 6,641,591. The other applications, U.S. Patent Application Nos. 11/417,396 (filed May 3, 2006), 11/417,709 (filed May 3, 2006) and 11/739,615 (filed April 24, 2007), are currently co-pending with the present application and are currently undergoing examination before the U.S. Patent and

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Trademark Office. All of these other applications are owned by the assignee of the present application.

The file histories of these applications may contain Office Actions, Office Communications, Amendments, attorney arguments, Declarations, allowed claims or indications of allowable subject matter, terminal disclaimers, cited references or other materials that the Examiner may consider to be relevant and/or material to the present application. Applicant understands that the Examiner has access to these files on a continuing basis, including any present or future office actions, office communications, amendments, attorney arguments, declarations, allowed claims or indications of allowable subject matter, terminal disclaimers, cited references or other materials, for review if the Examiner believes these documents are in anyway relevant and/or material to the examination of the present applications. If, however, the Examiner does not have access to these files or would like Applicant to provide copies of any particular documents in these related applications, the Examiner is requested to contact the undersigned at the below listed phone number or at the address of record.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

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In view of the foregoing remarks, Applicant requests that the rejection of the claims be withdrawn. Accordingly, Applicant respectfully submits that the claims are in condition for allowance.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 2003-05-07

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